

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE**

UNITED STATES OF AMERICA,)	
)	
v.)	No. 3:14 -CR-162-PLR
)	
ANDREA LYNN LOVE)	

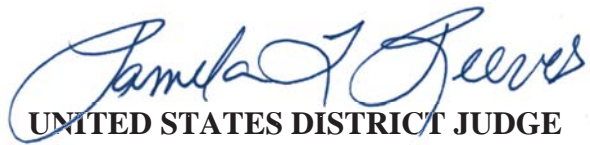
MEMORANDUM AND ORDER

By judgment dated October 1, 2015, this court sentenced defendant to 84 months imprisonment [R. 67]. Now before the court is defendant's *pro se* motion for sentence reduction pursuant to Amendment 794 to the United States Sentencing Guidelines [R. 108].

Once a court has imposed a sentence, it does not have the authority to change or modify that sentence unless such authority is expressly granted by statute. *United States v. Thompson*, 714 F.3d 946, 948 (6th Cir. 2013). One such statute is 18 U.S.C. § 3582(c)(2), which authorizes sentence reductions where a defendant has been sentenced to a term of imprisonment based on a sentencing range that has subsequently been lowered by the Sentencing Commission via a retroactively applicable amendment.

Amendment 794 went into effect on November 1, 2015, and allows the court to reduce the offense level of a defendant who was a “minimal” or “minor” participant in the offense of conviction. A district court may resentence a defendant pursuant to Amendment 794 only if the Sentencing Commission has determined that the amendment is retroactive.

United States v. Horn, 679 F.3d 397, 400 (6th Cir. 2012). Amendments that have been deemed retroactive are listed in USSG § 1B1.10(d), and Amendment 794 is not listed. *See Logan v. United States*, 2016 WL 5338060 at *5 (N.D. Ohio Sept. 23, 2016). Because Amendment 794 is not retroactive, defendant is not entitled to a sentence reduction. Accordingly, defendant's motion for sentence reduction [R. 108] is **DENIED**.


UNITED STATES DISTRICT JUDGE